

REMARKS

Claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 76-78, 85, 88, and 90-117 are pending.

The amendment to the second to the last line of page 9 of the specification has been done to correct an error readily apparent to a person skilled in the art. The person would understand that the phrase “a 10^4 change in pH” is intended to mean “a 10^4 change in the hydrogen ion concentration” or “a change of 4 in pH”, either of which has the same meaning because pH is the negative \log_{10} of the hydrogen ion concentration. Page 6, the 4th line from the bottom discloses that the pH of the first dermatological liquid composition is preferably between about 2.5 and about 4. Page 9, the 3rd line from the bottom, discloses that the pH of the second dermatological liquid composition is preferably between about 7.1 and about 12. There is no disclosure of a pH difference of 10^4 . Thus, from reading the disclosure, the person skilled in the art would realize that “a 10^4 change in pH” is intended to mean “a change of 4 in pH” with “a 10^4 change” in page 9, the 2nd line from the bottom, referring to a 10^4 change in the hydrogen ion concentration.

The amendments to the claims are supported by the specification at page 3, the third full paragraph, page 4, the third full paragraph, page 5, the second to fourth full paragraphs, page 6, the second and third full paragraphs, the paragraph bridging pages 6 and 7, page 9, the first and second full paragraphs, page 11, the third full paragraph, page 12, the second full paragraph, and Examples 1-6.

The amendments to claims 11-15, 28, 29, and 33-36 are cosmetic.

The amendments of replacing “the first composition” with “the first dermatological liquid composition” and replacing “the second composition” with “the second dermatological liquid composition” are cosmetic done for consistency purposes.

The amendments to steps a) through d) in claims 40 and 44 by moving the recitation of “by messaging into the skin” and replacing “is greater than about 7 to about 12” with “ranges from greater than about 7 to about 12” would not narrow the scope of the amended claim recitations.

The replacement of “dries” with “is allowed to dry” in claims 70-73 would not narrow the scope of the amended claim recitations.

The amendments to claims 85 and 88 also would not narrow the scope of the amended claim recitations.

Claim Rejection -- 35 U.S.C. 112, Second Paragraph

Claims 10, 16, 37, 40, 41 and 44-46 were rejected as indefinite for the term “acid peel”. The Examiner asserted that the claims recite that the first and second dermatological compositions are not manually removed, which is inconsistent with “peel”, i.e. stripping off of an outer layer. Applicant respectfully disagrees with the rejection. The term “acid peel” means an agent that can cause the outer layer of the skin to come off. A person skilled in the art would understand that, after the application of an acid peel, the outer layer of the skin can fall off without the removal of the first and second dermatological compositions. Withdrawal of the rejection is requested.

Claim Rejections -- 35 U.S.C. 103

Applicant respectfully traverses the obviousness rejection of claims 10-15, 24, 26, 31, 32, 36, 39, 43, and 47-50 over Davis (US 5,720,949) in view of Hahn et al (US 2002/0098210); the obviousness rejection of claims 16-21, 51 and 53 over Davis in view of Hahn et al and further in

view of Kunz et al (US 6,171,347); the obviousness rejection of claims 33 and 38 over Davis in view of Hahn et al and further in view of Smith et al (US 5,242,433); the obviousness rejection of claims 42 and 52 over Davis in view of Hahn et al and further in view of Kunz et al and Smith et al; and the obviousness rejection of claims 22 and 23 over Davis in view of Hahn et al and further in view of Kunz et al and Linn et al (US 4,797,273).

The primary reference, Davis, differs from the claimed invention at least in not teaching the application of a makeup, moisturizer and/or sunscreen after the application of first an acid dermatological liquid composition and then a neutralizing dermatological liquid composition, wherein the acid and neutralizing dermatological liquid compositions remain on the skin when the makeup, moisturizer and/or sunscreen is applied to the skin. Davis discloses the application of an acid composition and an effervescent composition to the skin in order to form a **cosmetic mask** with foaming action on the skin (column 1, lines 36-47). After a time, the cosmetic mask is removed from the skin by means of a scraper or cloth (column 1, lines 47-49). There would have been no motivation to modify the method of Davis by applying a makeup, moisturizer and/or sunscreen when the **cosmetic mask**, composed of the acid composition and effervescent composition, still remains on the skin because the cosmetic mask would block the application of the makeup, moisturizer and/or sunscreen so that one would not get any benefit from the makeup, moisturizer and/or sunscreen. Not surprisingly, none of the secondary or tertiary references, i.e. Hahn et al, Kunz et al, Smith et al and Linn et al, discloses the application of a makeup, moisturizer and/or sunscreen when a cosmetic mask is still on the skin. Thus, applicant submits that it would not have been obvious to modify the method of Davis by applying a makeup, moisturizer and/or sunscreen when the acid composition and effervescent composition, i.e. the cosmetic mask, remain on the skin. Therefore, all of the pending claims would not have

been obvious over Davis in view of Hahn et al, and further in view of Kunz et al, Smith et al and/or Linn et al.

Withdrawal of the obviousness rejections is requested.

Conclusion

In view of the above reasoning, applicant contends that the application is in a condition for allowance. The Examiner is urged to call the undersigned if there remains any minor issues that can be resolved with a telephone interview.

Respectfully submitted,

KENYON & KENYON

Date: August 17, 2004

King L. Wong
King L. Wong
Reg. No. 37,500

KLW/pa/mks
1500 K Street, NW, Suite 700
Washington, D.C. 20005-1257
(202) 220-4200 (telephone)
(202) 220-4201 (fax)